



**DRAFT
PLANNING & COMMUNITY
DEVELOPMENT COMMITTEE**

**SEPTEMBER 14, 2009
MINUTES**

I. CALL TO ORDER

Vice Chair Nancy Backus called the meeting to order at 5:03 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA. Committee members present were: Vice Chair Nancy Backus and Member Rich Wagner. Chair Lynn Norman was excused.

Staff members present included: Mayor Pete Lewis, Director Cindy Baker, Assistant Director Kevin Snyder, Principal Planner Elizabeth Chamberlain, Principal Planner Jeff Dixon, Senior Planner Chris Andersen, Building Official Rick Hopkins, Parks, Arts & Recreation Director Daryl Faber and Planning Secretary Renee Tobias.

Also present were: Wayne Osborne.

II. ANNOUNCES AND AGENDA MODIFICATIONS

Agenda modification added Item II.C, September 1, 2009 Minutes and Item V.A, Ordinance No. 6266 to the agenda.

III. CONSENT AGENDA

- A. Minutes – August 24, 2009 ***
- B. Minutes – August 25, 2009 ***
- C. Minutes – September 1, 2009**

Member Wagner moved to approve the Consent Agenda; Vice Chair Backus concurred.

MOTION CARRIED UNANIMOUSLY 2-0.

IV. ACTION

A. Ordinance No. 6266 – Title 15 (Buildings & Construction) Amendments

Current code, adopted July 2, 2007, contains regulations and standards for the permitting, enforcement and oversight of building construction with a maximum permit period of two years with no extension opportunity. Ordinance No. 6266 authorizes the Building Official authority to grant one or more extensions of time, for periods not more than 180 days each for permits issued after July 2, 2007. The applicant must show justifiable cause for the extension and submit the written request seven days before the permit expiration. This request pertains only to the building and not the development of the land.

Assistant Director Kevin Snyder noted that for the 2009-2010 period, several hundred permits will potentially expire. The currently economic conditions are making it difficult for some permit holders to complete their projects within the allowable permit period. The City has received numerous requests for permit extensions.

Building Official Rick Hopkins reported that the proposed amendments are consistent with the new building code language of the International Business Code (IBC). Mr. Hopkins confirmed that the administrative time for the review of the extension will be minimal and there will be no additional costs for the applicant.

Staff confirmed that the plat, building plans and code approved at the time the permit was originally issued will remain in effect for the project. Any structural changes requested in the written extension would require new building plans and the project would then need to meet the current code and requirements.

Member Wagner moved to recommend to City Council adoption of Ordinance No. 6266; Vice Chair Backus concurred.

MOTION CARRIED UNANIMOUSLY 2-0.

V. DISCUSSION

A. Barrier Free Playground

Barrier Free playgrounds take all disabilities into account. The playgrounds connect the pathways, add play features throughout the site and address the most important feature, the ability for all children of all abilities to play side-by-side.

Parks, Arts & Recreation Director Daryl Faber reported that the project cost estimate is \$300,000 with \$75,000 of in-kind donations. Several grant applications will be submitted, which include an application to Wal-Mart, Home Depot and a \$75,000 grant to the King County Youth Sports. Staff are also looking at other fundraising opportunities with service groups. The non-profit revenue is being funneled through the NW Parks Foundation and donations have been received for the playground.

The Barrier Free Playground Design Committee is comprised of numerous community leaders as well a special education instructor/coordinator for the Auburn School District, local physical and occupational therapists, and a member of the Teen Council. A separate Design Committee is beginning concept drawings that will focus on motion as well as sensory stimulation. Director Faber shared examples of surfacing products for the fall zone of the playground and pathways.

Director Faber stated that each school within the Auburn School District is considering in-school fundraising campaign led by the special need classes as well as other Club's as part of October's National Disabilities Month. The funds raised will go towards the playground. Committee suggested that staff look for volunteers from the physical therapy and sports medicine senior class projects.

The construction timetable is estimated to be May 2010 for the ground preparation and June 2010 for construction.

B. Chapter 18.46 (Temporary Use) Amendments

The draft amendments to Chapter 18.46 provide an administrative approval process for temporary uses without requiring full compliance of the development standards for the applicable zoning district. Assistant Director Kevin Snyder noted that the draft amendments are consistent with the direction provided to staff by the Committee and the Planning Commission during their special joint meetings held on August 4, 2009 and August 11, 2009. He stated that the Planning Commission reviewed the proposed amendments and held a public hearing on September 9, 2009. The Planning Commission approved by positive motion vote to forward the amendments as recommended to City Council for consideration and adoption action.

Staff provided the Committee with an overview of the draft amendments as recommended by the Planning Commission. Assistant Director Snyder stated that the most important element in the draft amendments is a shift in orientation away from Hearing Examiner review and approval of temporary uses, to an administrative review and approval by the Planning Director. He indicated that the current process can be fairly onerous for relatively short-term uses.

Committee asked about non-profit fundraisers and events and whether all such events would require a Temporary Use Permit. Assistant Director Snyder clarified that such events for commercial uses would require a Temporary Use Permit, but that if a site is normally used for similar purposes, it would typically not require a Temporary Use Permit. Staff will add some additional amendment language that clarifies this.

Member Wagner stated that a definition of temporary needed to be added that clarifies the meaning for each type or use or permit. He added that the term personal use storage containers in Section 18.46.070.A.2.c also should be defined.

Committee and staff discussed how the proposed regulations would apply to mobile vendors and temporary storage of buildings. Assistant Director Snyder stated that the duration of the temporary uses would be determined by the length of permit, which would be 180 days unless otherwise specified. Staff indicated that general language would be added at the beginning of the chapter to specify the time limit of Temporary Use Permits.

The Committee reviewed the proposed changes and provided feedback and direction to staff. Staff will update the amendments and bring back to Committee in ordinance format for action on September 28, 2009 with consideration by the full City Council scheduled for October 5, 2009.

C. Administrative Use Permit/Conditional Use Permit Amendments

Senior Planner Chris Andersen stated that the draft amendments for administrative and conditional uses reflect the direction provided to staff by the Committee and the Planning Commission during their special joint meetings held on August 4, 2009 and August 11, 2009. Planning Commission reviewed the proposed amendments and held a public hearing on September 9, 2009.

Senior Planner Andersen explained that the draft amendments are essentially organized into two groups: process amendments relating to Chapter 18.64, and

individual zoning districts and processes. He presented the Chapter 18.64 amendments first, and stated that these amendments clarify the process requirements for administrative and conditional uses. Conditional uses would be very similar to the current process; Conditional Use Permits would continue to be a Type III permit decision that would go to Hearing Examiner for public hearing and final decision, and appeals of the Hearing Examiner decision would go to superior court.

Administrative uses would be a Type II process consistent with Title 14 of the City Code, with additional provisions in two areas. First, two additional public notice requirements have been proposed based on the previous input of the Committee and the Planning Commission; the Notice of Application notification mailing radius would be increased to 500 feet for uses in R-C Residential Conservancy Zone and all commercial and industrial districts; and the public notice would be posted on the City's website.

The second additional provision is that the Planning Director or designee would either make the final decision which would be appealable to the Hearing Examiner, or would forward the application to the Hearing Examiner per Section 18.64.020 for the Hearing Examiner to hold a public hearing and make the final decision, in which case the Hearing Examiner's decision could be appealed to Superior Court. The Planning Director's decision to forward an Administrative Use Permit application to the Hearing Examiner would not be appealable.

Mr. Andersen provided a summary of the individual zoning district amendments. He noted that the amendments contain a new use in commercial zones regarding hours of operation for commercial businesses that abut a residential zone; and that as proposed, any such business operating outside of the hours 7:00AM to 10:00PM Monday through Saturday, or 9:00AM to 10:00PM on Sunday, would be subject to an Administrative Use Permit. He also provided the Committee with answers to questions posed by the Committee at the August 11, 2009 meeting regarding retention of the conditional use designation for group residences in the R-10, R-16, and R-20 zones based on input for the City Attorney's Office that the City does have the ability to regulate this use; and that changes to the TV Terrace View zoning district are not recommended at this time as the basis of the TV District zoning is a linkage to the City's C-3 Heavy Commercial District which was established in a pre-annexation agreement signed by the City for the Terrace View properties. Staff explained that these hours correspond to the hours for the City's existing construction noise regulations.

Member Wagner proposed that an additional use called scientific research be added for the EP Environmental Park District. Assistant Director Snyder stated that the EP District amendments being reviewed at this meeting have been drafted narrowly to focus on the administrative and conditional use aspects of the district, and that a more comprehensive set of amendments is currently being developed to implement the EP District work program. Member Wagner asked that the new use be included as part of the more comprehensive EP District amendments being developed.

Member Wagner stated that the 10 feet of landscaping required in the RO District may be too wide in this zone. Principal Planner Elizabeth Chamberlain stated that the amendments to the RO District regulations adopted earlier in the year for residential conversions allow for the use of existing landscaping when it meets the

intent of the Landscape Code. Assistant Director Snyder stated that the amendments currently proposed to Chapter 18.50 are focused on the administrative and conditional use provisions of the chapter only, and that a more detailed review and update of the Landscaping Code was planned for later in Phase 2 of the Code Update. Member Wagner said he thought the width should be 5 foot, and indicated that he was comfortable with addressing this in the more detailed review of that chapter later in the year.

Assistant Director Snyder reiterated that as with the temporary use amendments, staff will update the administrative and conditional use amendments and bring back to Committee in ordinance format for action on September 28, 2009 with consideration by the full City Council scheduled for October 5, 2009.

VI. INFORMATION

A. Director's Official Decisions and Report

Director Baker reported on a recent official decision where the City used the State Environmental Policy Act (SEPA) for a permit application where the surrounding residential neighbors may be exposed to excess noise. The applicant was amenable to the conditions placed on their application.

B. PCDC Status Matrix

There were no changes to the matrix.

VII. ADJOURNMENT

There being no further business to come before the Planning and Community Development Committee, Chair Norman adjourned the meeting at 6:17 p.m.

APPROVED THIS _____ DAY OF SEPTEMBER 2009.

Lynn Norman, Chair

Renee S. Tobias, Planning Secretary